

**CITY COUNCIL MINUTES**  
**October 14, 2013**  
**REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, October 14, 2013 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Stephanie L. Snyder recording the minutes.

**CALL TO ORDER**

**ROLL CALL:**

**Council Members Present:** Keith Nesbitt, J. M. "Mike" Holmes, William W. Kirby, Bridget Powers, Kevin Hanley

**Council Members Absent:** None

**Staff Members Present:** City Manager Robert Richardson, Assistant City Attorney Michael Cobden, Community Development Director Will Wong, Senior Planner Reg Murray, Building Official Lisa Hoffrogge, Public Works Director Bernie Schroeder, Administrative Analyst Megan Siren, Fire Chief Mark D'Ambrogi, and Police Chief John Ruffcorn.

**PLEDGE OF ALLEGIANCE**

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

Mayor Hanley proclaimed the National Arts and Humanities Month in Auburn.

**AGENDA APPROVAL**

The agenda was approved as presented by consensus of the Council.

**CONSENT CALENDAR**

City Manager Richardson noted that the City Attorney will review and approve the employment agreement in item 4 before execution if Council approves it at this meeting.

Council Member Holmes removed item 6 from the consent calendar for discussion.

1. **Minutes**

By **MOTION**, approve the City Council minutes of 9/23/2013.

2. **Auburn Municipal Airport Project – Apron Lighting, Pavement Marking and Airfield Signage – Notice of Completion**

By **RESOLUTION 13-113**, authorize the recording of a Notice of Completion to Vellutini Corporation (DBA Royal Electric) for the Auburn Municipal Airport Project A.I.P. 3-06-0012-11 – Apron Lighting, Pavement Marking and Airfield Signage.

3. **Grant of Easement at Auburn Municipal Airport**

By **RESOLUTION 13-114**, authorize the City Manager or his designee to approve the Grant of Easement from the City of Auburn to Sacramento-Valley Limited Partnership dba Verizon Wireless and authorize the execution of all related documents.

4. **Administrative Services Director Employment Agreement**

By **RESOLUTION 13-115**, approve the pay-for-performance employment agreement for Kimberly Juran.

5. **Financial Services Agreement**

By **RESOLUTION 13-116**, enter into a temporary financial services agreement with Andrew Heath.

6. **Long Range Property Management Plan**

REMOVED FROM THE CONSENT CALENDAR.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION**, approve the consent calendar excluding item 6 and including request of City Manager on item 4. The motion was made by Council Member Nesbitt, seconded by Council Member Powers. Passed by the following roll call vote:

Ayes: Nesbitt, Holmes, Kirby, Powers, Hanley  
Noes:  
Absent:  
Abstain:

6a. **Long Range Property Management Plan**

Council Member Holmes asked about development proposals on the Blocker Drive property.

Community Development Director Will Wong explained the lack of formal action on any development proposals.

Mayor Hanley clarified the purpose of this report to the State.

By **RESOLUTION 13-117**, approve the Long Range Property Management Plan.

The motion was made by Council Member Nesbitt, seconded by Council Member Powers. Passed by the following roll call vote:

Ayes: Nesbitt, Holmes, Kirby, Powers, Hanley

Noes:

Absent:

Abstain:

7. **Public Comment**

Suzi de Fosset, Executive Director of the Gathering Inn, spoke about the panhandling solutions campaign.

Administrative Analyst Megan Siren reminded the public that the next pharmaceutical take back event is Saturday, October 26 from 10:00 a.m. to 2:00 p.m. Council Member Kirby emphasized the importance of this event.

**PUBLIC HEARINGS**

8. **Ordinance Amendment – Regional Commercial – Emergency Shelter Zone District; Transitional Housing; and Supportive Housing**

Senior Planner Reg Murray gave the staff report on this item. He reviewed the background on the item. He reviewed the proposed ordinance which establishes the Regional Commercial – Emergency Shelter zone district, develops standards for permanent and temporary emergency shelters, and permits Supportive and Transitional Housing in the Medium Density Multiple-family Residential (R-3) zone district. He reviewed recent actions and recommendations by the Planning Commission. He reviewed the public input that has been received. He spoke about the deadline for adoption of the city's Housing Element, which is October 31, 2013. He said that deadline will not be met, and as of November 1<sup>st</sup>, the City will have a Housing Element that is out of compliance. He spoke about the

potential implications of having a Housing Element that is out of compliance.

Assistant City Attorney Michael Cobden spoke about legal implications of the Housing Element being out of compliance.

Council Member questions followed regarding: (1) Planning Commission's recommendations on zones, (2) updates to the State Department of Housing and Community Development (HCD), (3) conditions allowed on emergency shelters, (4) HCD deadlines, (5) noticing of meetings, (6) ability of emergency shelter to be placed anywhere in the City while Housing Element is out of compliance (7) and M-2 zoning.

Reg Murray went through the sequence of events that must still happen before a Housing Element can be adopted by Council.

Michael Cobden spoke about the possibility of the Council adopting the Housing Element without the HCD certification.

Will Wong explained that if the action tonight was approved, and could be heard for second reading at the next meeting with a Housing Element also being adopted, the deadline might be met.

Public comment:

Brent Kincaid, property owner in the subject area being discussed tonight.  
Jerry Mifsud, 628 Mikkelson Dr., Auburn, brought a petition against this location.

Buster Bruce, 405 Landis Circle, Auburn.

Suzi de Fosset representing the Gathering Inn.

Otto Fox representing parents, Georgia and Ken Fox.

Jeff Cowan, 179 Electric Street.

Dan Appel, pastor of Seventh Day Adventist Church.

\*\*\*Council recessed at 7:28 p.m. and reconvened at 7:37 p.m.

Suzanne Malloy, 12064 Persimmon Terrace, Auburn.

Richard Vorous, Pine Crest Ave, Auburn.

Scott Queen, resident and business owner of Sierra Foothills Mortuary.

Arnie Mertz, property/ business owner (lot 5 on the map).

Dr. Walter Winfrey, rents space from Dr. Fox on Auburn Ravine.

Ralph Smith, owns property adjacent to lots 3, 4 and 5; business owner.

Bhakti Banning, 682 Mikkleson, Auburn.

Cheryl Huntley Berg, resident of Auburn.

Kurtis Fox, parents own lots in subject area.

Jerry Mifsud addressed Council again asking to clarify the position of his petition of about 600 signers.

Mayor Hanley asked City Attorney to speak about the issue of designating property at the Auburn Municipal Airport.

Assistant City Attorney Mike Cobden said at the earlier stages of this process, the airport was considered, and it was determined none of the locations at the airport were appropriate. He said the PCALUC had reviewed the possibility of zoning an emergency shelter at the airport, and determined that a single zone was potentially compatible, so long as a number of restrictions were placed on the shelter, but the Government Code only allows for a specified list of restrictions on emergency shelter zoning. The PCALUC determination therefore meant that the airport was not a possible site for zoning an emergency shelter if the City wanted to comply with SB2.

Council Member Kirby said this is a very difficult decision to make. He said with a seven square mile city, every zone is within walking distance to a park or school. He said he doesn't feel this has been a rushed decision. There have been numerous Planning and Council meetings, among other discussions. He said the discussion that is taking place is confusing two completely different subsets of people. The people who look for help in shelters are not the same people who are getting in trouble with the law. He addressed the Police Department's ability to deal with the problem. He spoke of the different areas/ zones that have been considered to this point. He addressed many of the concerns expressed during public comment.

Council Member Powers spoke about the difficult decision in front of the Council. She said residents can contact the state with their concerns since this is a state mandate. She spoke about the difference between the homeless and the panhandlers. She spoke of her experience with the Gathering Inn. She said she would like to look at the M-1/ M-2 zones again.

Council Member Holmes spoke about the community coming together to come up with homelessness solutions. He spoke about Zone District #8 referred to by the planning commissioners.

Council Member Nesbitt stressed the difference between the homeless and the vagrants. He said this decision is one of the hardest this Council has had to address. He said the state designed this mandate without considering a town like Auburn that is landlocked, fully developed, with many schools and parks throughout. He said it needs to be a zone within a zone; not a broad section of area. He said he is willing to explore M-1/M-2 only if there is a zone created within that zone. He spoke of the importance of helping the people who really need and want the help.

Mayor Hanley agreed this is a difficult issue. He said with a town with mixed zoning like Auburn, it's a challenge. He spoke about maximizing

public safety. He explained why he disagrees with reconsidering the M-2 zone option. He spoke in favor of the C-3 zone option.

Council Member Kirby asked about parcels in the M-2 zones.

Reg Murray reviewed past discussions specifically about M-2 zones.

Council Member Kirby made a MOTION to revisit the M-2 zones previously looked at and to have staff return to Council. Council Member Holmes seconded this motion.

Will Wong said the Planning Commission had recommended the original proposal of the whole M-2 zone with buffers. He said if there are specific lots chosen instead, there are noticing requirements and will delay the approval of the Housing Element.

Council Member Kirby amended his MOTION to bring back M-2 as originally proposed, continue item 8 and 9 on the agenda for the next meeting on October 28, 2013.

Council Member discussion followed regarding C-3/ M-2 zoning.

Assistant City Attorney Michael Cobden said the ordinance amendment needs to be completed before you can bring forward the Housing Element for approval.

The motion passed 3-2 by a roll call vote.

Ayes: Holmes, Kirby, Powers

Noes: Nesbitt, Hanley

Absent:

Abstain:

9. **Re-Zone – Regional Commercial – Emergency Shelter Zone District (Auburn Ravine Road Project Area)**

By virtue of the previous motion, this item is continued to the October 28, City Council meeting.

\*\*\*City Council recessed at 8:52 p.m. and reconvened at 8:59 p.m.

10. **Introduction of Code Adoption**

Staff report delivered by Fire Chief Mark D'Ambrogi and Building Official Lisa Hoffrogge. Chief D'Ambrogi said this is a three year cycle adoption of codes. He explained why these codes are adopted. They both explained the changes in the codes being adopted.

Council Member questions followed regarding the external audible device,

ADA requirements, development costs, less/ or more restrictive local code, and facility and equipment fees.

By **MOTION**, held a Public Hearing and introduced for a first reading, by title only, an ordinance to adopt: the 2013 edition of the California Buildings Standards Codes and amendments thereto, adopt the 1997 edition Uniform Code for the Abatement of Dangerous Buildings, the 2012 International Existing Building Code, and the 2012 International Property Maintenance Code. The motion was made by Council Member Holmes and seconded by Council Member Nesbitt. The motion passed by roll call vote.

Ayes: Nesbitt, Holmes, Kirby, Powers, Hanley  
Noes:  
Absent:  
Abstain

## **REPORTS**

### **11. City Council Committee Reports**

Council Member Nesbitt reported on the Downtown Business Association having the tree lighting ceremony a week before the Festival of Lights parade this year.

Council Member Kirby reported on LAFCO and the parcel annexation to Auburn at the last meeting. He asked staff to look into city fees applied to art above the Old Town Art Gallery for possible mitigation/ refund.

Council Member Powers reported on the Manufacturers Forum held by the Placer County Economic Development Board on the 16<sup>th</sup> of October. She also reported on the Bud Anderson Statue Fundraiser/ Unveiling at Doug Van Howd Studio on November 7<sup>th</sup>.

Mayor Hanley reported on the School Park Community Garden opening event.

## **ADJOURNMENT**

Mayor Hanley adjourned the meeting, without objection, at 9:16 p.m.

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Kevin Hanley, Mayor

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Stephanie L. Snyder, City Clerk

**CITY COUNCIL MINUTES**  
**October 28, 2013**  
**REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, October 28, 2013 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Stephanie L. Snyder recording the minutes.

**CALL TO ORDER**

**ROLL CALL:**

**Council Members Present:** Keith Nesbitt, J. M. "Mike" Holmes, William W. Kirby, Bridget Powers, Kevin Hanley

**Council Members Absent:** None

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Administrative Services Director Kimberly Juran, Community Development Director Will Wong, Senior Planner Reg Murray, Public Works Director Bernie Schroeder, Administrative Analyst Megan Siren, Fire Chief Mark D'Ambrogi, Police Chief John Ruffcorn and Police Lt. Victor Pecoraro.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

**MOTION: Nesbitt/Holmes/Unanimously approved**

Conference with Legal Counsel; Existing Litigation (Gov. Code § 54956.9(d)(1))

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Name of Case: Roye v. County of Placer, City of Auburn, et al., Names of Parties or Claimants: John Roye (Deceased) by Narinder Roye (wife) Case No. or Claim No.: Workers Compensation Appeals Board No. ADJ7700741.

**REPORT OUT OF CLOSED SESSION**

Mayor Hanley announced no reportable action.

**PLEDGE OF ALLEGIANCE**



## **MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS**

Mayor Hanley recognized the five Auburn Police Officers that were involved in the shooting incident in Roseville. He also recognized the City Manager and Police Chief on their anti-panhandling presentations throughout the community.

## **AGENDA APPROVAL**

The agenda was approved as presented by consensus of the Council.

## **CONSENT CALENDAR**

Council Member Nesbitt removed item 4 from the consent calendar for further discussion.

### **1. Appointment of Arts Commissioners**

By **RESOLUTION 13-118**, reappoint April Maynard and Terri Goodman to the Arts Commission for another four year term.

### **2. Cancellation of a City Council Meeting**

By **MOTION**, approve the cancellation of the regular City Council meeting on November 11, 2013.

### **3. Auburn Transit On-Board Surveillance Project**

By **RESOLUTION 13-119**, authorize the Director of Public Works to purchase on-board surveillance from 247 Security, Inc. for Auburn Transit.

### **4. Consultant Agreement for RFP for Operations & Maintenance for the WWTP**

Removed from the consent calendar; see 4a.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION**, approve the consent calendar excluding item 4. The motion was made by Council Member Holmes, seconded by Council Member Nesbitt. Passed by the following roll call vote:

Ayes: Nesbitt, Holmes, Kirby, Powers, Hanley

Noes:

Absent:

Abstain:

4a. **Consultant Agreement for RFP for Operations & Maintenance for the WWTP**

Council Member Nesbitt asked about the satisfaction with the current provider at the Wastewater Treatment Plant (CH2M Hill – OMI). He asked what the consultant provides in this RFP process / contract. He asked about the transition period if a new company is hired. Public Works Director Bernie Schroeder addressed his questions.

Mayor Hanley asked about the current annual costs with OMI. Bernie Schroeder explained the direct cost budget for the WWTP.

Mayor Hanley said because a RFP has not been completed in 20 years, this is the right process. He said it develops performance standards and a second look at how the plant is operated.

Council Member Kirby said due to the successful management and oversight of the current provider at the WWTP, this process is not necessary.

Council Member Nesbitt said due to the incredible job being done by OMI at the plant, he thinks the RFP will show that the right people are already in place, so he does not agree with the cost of \$50,000 to do that.

Council Member Holmes said this RFP process will act as an audit, reviewing what is happening there, and provides a second set of eyes. He said he agrees the current provider is doing a great job.

**By RESOLUTION 13-120** authorize the Director of Public Works to execute the consultant agreement with Municipal Consulting Group, LLP for the Request for Proposals process for the operations and maintenance of the Wastewater Treatment Plant and Sewer Collections Systems. The motion was made by Council Member Holmes seconded by Council Member Kirby. Passed by the following roll call vote:

Ayes: Holmes, Kirby, Powers, Hanley  
Noes: Nesbitt  
Absent:  
Abstain:

5. **Public Comment**

City Clerk Stephanie Snyder introduced two international guests studying local government processes through the International City/County Management Association (ICMA) for two weeks in Rancho Cordova. Stephanie Snyder introduced Ms. Aphakorn Trairekpan from the Municipality of Songkhla, Thailand and Dr. Wang Jingbo from Beijing, China.

Council Member Holmes reported that the Arts and Humanity proclamation (from the last meeting) was delivered to the Placer Arts office.

Council Member Kirby recognized the Placer Hillman for a good football game last week.

## **COUNCIL BUSINESS**

### **6. Placer County Water Agency (PCWA)/ Presentation to Council**

A presentation was made by Andy Fecko, Water Resources Manager from PCWA. He spoke about the state's plans for the Bay Delta region and specifically how it plans to change the operation of the water conveyance system in California to account for 1) growth in Southern California the 2) changing climate and rising sea levels. He asked the Council to authorize the Mayor to sign a joint letter of support from the region regarding the Bay Delta Conservation Plan.

Council Member Powers asked about different solutions to be presented to the state. She also asked which cities have supported this letter.

Council Member Kirby asked about the current state of reservoirs around Northern California.

Council Member Holmes asked about the plan to have gates where the Delta meets the San Pablo Bay. He also asked about federal funds available.

Council Member Nesbitt asked if desalination of sea water has been looked at.

Mayor Hanley asked about the capability of the Department of Water Resources to come to a solution without problems with the Endangered Species Act or other environmental laws.

Council Member comments followed regarding the importance of this issue and general support.

Andy Fecko said there is not final language for the letter of support quite yet and PCWA will bring it back to Council when it is finalized.

By **MOTION**, continue this item until the Council meeting of November 25, 2013 when PCWA will have the letter to be considered. The motion was made by Council Member Nesbitt, seconded by Council Member Kirby. Passed by the following roll call vote:

Ayes: Nesbitt, Holmes, Kirby, Powers, Hanley  
Noes:  
Absent:  
Abstain:

\*\*\*City Council recessed for 3 minutes\*\*\*

## **PUBLIC HEARINGS**

### **7. Ordinance Amendment – Regional Commercial – Emergency Shelter Zone District; Transitional Housing; and Supportive Housing**

Mayor Hanley said item 7, 8 & 9 are all so closely related, that they can be heard at the same time. He encouraged the public to speak on any of the three items during this item.

The presentation was made by Senior Planner Reg Murray. He said that this is a process the city is going through to satisfy a state requirement. He gave a summary of the actions taken from the past 10 meetings the Council / Planning Commission have held regarding this issue. He explained that this is a first reading of an ordinance which establishes the Regional Commercial – Emergency Shelter (C-3-ES) zoning district, develops standards for permanent and temporary emergency shelters, and permits Supportive and Transitional Housing in the Medium Density Multiple-Family Residential (R-3) zone district. He said it includes development standards for occupancy, parking requirements, management, facilities and operations plans. He said there are also provisions for temporary shelters. He explained item 8 and the proposed rezone. He said the Planning Commission had recommended denial of both of these items. He explained the item 9 proposal for the Industrial (M-2) zoning district. He spoke about possible legal ramifications of a non-compliant housing element.

City Attorney Michael Colantuono addressed the possibility of zoning this type of use at the Auburn Airport. He spoke about the Airport Land Use Commission's role in zoning at the Airport. He said the only sites that could be rezoned at the airport are in the C-1 over-flight zone and would not be recommended because they could accommodate the use of a shelter and because the land is all owned by the City and subject to long term leases for non-residential uses.

Council Member questions followed regarding: 1) allowed "by right" uses, 2) undeveloped land permit process, 3) private property owner rights, 4) eminent domain, 5) M-2 zone buffer, 6) fencing requirement impact on a zone, 7) airport property, 8) other city-owned property, 9) excluded properties in M-2 zone, 10) the M-1 zone, 11) review of locations side by side, 12) emergency shelter development during a period when the housing element is out of compliance, 13) number of potential sites in the

M-2 zone, 14) concerns regarding impact on property values, and 15) Blocker Drive property.

**Public comment:**

Gerry Mifsud, resident on Mikkelson Drive and Board Chairman of Auburn Villa Association.

Carmen Tribur, resident on Highland Drive.

Merv Hall, property owner in M-1 zone of Sacramento Street.

John Stevens, co-owner of Auburn Grocery Outlet.

Otto Fox, representing his parents (written copy of testimony in record).

Kenneth Johnson, resident at 115 Electric St.

Arnold Mert, property owner in C-3 zone.

Bhakti Banning, resident of Auburn.

Diane Roberto, resident at 115 Electric St.

Richard Fong, property owner on Borland Avenue.

Jeff Cowen, resident at 179 Electric St.

Gary Mapa.

Mark Gibson, resident on Mikkelson and business owner on Borland Ave.

\*\*\*Council recessed for 7 minutes\*\*\*

Council Member Nesbitt commented on defining "homeless" and envisioning a homeless shelter as a positive feature of our community.

Council Member Holmes commented on considering the airport and the Blocker Drive property. He said a decision needs to be made.

Council Member Powers said the City Council has heard that no one wants this zoning by their home or business, but the City must designate a zone to comply with the state requirements. She spoke about the anti-panhandling campaign. She suggested concerned residents contact Senator Gaines' office to request legislation that will help small cities like Auburn comply with these types of requirements which really require regional solutions.

Council Member Kirby asked the City Attorney for clarification regarding the possible loss of grants referenced in Mr. Fox's public comment.

City Attorney Michael Colantuono said one of the benefits of having a certified housing element is you maintain your eligibility for state housing loans. He said as long as SB2 law is complied with, the grant availability will be the same. How the City complies with SB2 should have no impact on grant eligibility.

Council Member Kirby said the airport is not an appropriate site for many reasons. He said he feels the Council has done their due diligence and gone over this item thoroughly. He addressed homeless camps,

misconceptions about homeless shelters, half-way houses in the City, impacted property owners, Blocker Drive property being too small for this use, and the proximity to parks in all zones.

Mayor Hanley said he agrees that the City Council has spent a lot of time thoroughly looking at this issue. He said he wants to make the best decision to maximize public safety for Auburn residents. He compared the C-3 and M-2 options, stating the impact on surrounding uses arising from placing this use in C-3 is slightly less.

By **MOTION**, adopt a statutory exemption prepared for the ordinance as the appropriate level of environmental review in accordance with Section 15061 (b)(3) of the California Quality Act (CEQA) and Guidelines;

By **MOTION**, adopt the following Finding of Fact for approval of an Ordinance which establishes the Regional Commercial – Emergency Shelter (C-3-ES) zone district and permits transitional and supportive housing in the R-3 zone:

1. The Ordinance implements State law;
2. The Ordinance is consistent with the Auburn General Plan Housing Element; and
3. The Ordinance is the minimum necessary to protect the public interest, health, safety and general welfare.

By **MOTION**, introduce and hold a First Reading, by title only, of an ordinance which establishes the Regional Commercial – Emergency Shelter (C-3-ES) zone district and permits transitional and supportive housing in the R-3 zone.

The motion was made by Council Member Holmes, seconded by Council Member Nesbitt. Passed by the following roll call vote:

Ayes: Nesbitt, Holmes, Kirby, Powers, Hanley

Noes:

Abstain:

Absent:

8. **Re-Zone – Regional Commercial – Emergency Shelter Zone District (Auburn Ravine Road Project Area)**

Senior Planner Reg Murray presented this item. He said this will rezone nine lots from the Regional Commercial zone to the Regional Commercial ES zone.

By **MOTION**, adopt the Initial Study and Negative Declaration prepared in accordance with the California Environmental Quality Act for the Auburn Ravine Road project area rezone; and

By **MOTION**, introduce and hold a first reading, by title only, of an ordinance which approves the Rezone proposal to rezone nine lots, generally located west of Auburn Ravine Road and north of Elm Avenue from Regional Commercial (R-3) to Regional Commercial – Emergency Shelter (C-3-ES)

The motion was made by Council Member Nesbitt, seconded by Council Member Kirby. Passed by the following roll call vote:

Ayes: Nesbitt, Holmes, Kirby, Powers, Hanley

Noes:

Abstain:

Absent:

9. **Ordinance Amendment – Emergency Shelters in the Industrial (M-2) zone; Transitional and Supportive Housing in Multi-family Residential (R-3) zone**

Senior Planner Reg Murray explained this was the proposal that would add as a permitted use emergency shelters in the Industrial Zone.

(Council did not need to take action on this item because of the action taken for items 7 and 8; the item was opened for public comment.)

Public comment:

Otto Fox, spoke about his discussion with the Department of Housing and Community Development (providing their response as part of the record). He explained the impact on HOME grant funds arising from non-compliance with SB2.

Frank Caraska, resident of Auburn.

Council Member Kirby addressed the difference of opinion between him and Mr. Fox, stating he defers to the City Attorney for legal opinion.

Mayor Hanley, in the absence of an objection, declared no action needed on this item.

## **COUNCIL BUSINESS**

10. **Regional Sewer Common Pipeline Intent to Commit**

Staff report presented by Public Works Director Bernie Schroeder. She said the action on this item is to provide staff with direction on where to go with the Regional Sewer Common Pipeline project. She reviewed past actions which resulted in 9 deal points approved by Council which were forwarded to Placer County and the City of Lincoln. She said the

project was bid in the summer, which totaled \$37.7 million, combined with all costs associated with the project totaling \$73 million. She said Placer County and City of Lincoln are now requesting the City Council make a decision regarding the common pipeline (the section of pipe that could be used by the City of Auburn and the other parties) by November 1st. She said the project is estimated to cost the City of Auburn \$3,021,306 with a 25% contingency added, making it \$3,776,632 (based on the construction bids received). She addressed the deal points individually and the response or lack of response on each.

Council Member Kirby asked about the deal points not being included in the current agreement from Placer County, the Regional Water Quality Control Board's view on Auburn as a stand-alone vs. regional, and the Regional Board's knowledge of the deal points requested.

Council Member Nesbitt asked about the capacity purchase agreement deal point to include Lincoln's responsibility to purchase the capacity if a deal is rejected.

Council Member Holmes asked about the contingency requirements, the November 1<sup>st</sup> deadline, decommissioning of Auburn's plant, Proposition 218 hearings, and the fiscal commitment deadline.

Mayor Hanley asked about the weekly PCT meetings and the COJA (agreement).

No member of the public wished to comment.

Council Member Powers said she believes the option of having a regional connection should always be kept open. She said there will always be big risks of having to do major upgrades locally. She said she supports maintaining capacity to go regional with further clarification of the costs and working closer with the County and the City of Lincoln on deal points.

Council Member Kirby said he is disappointed the deal points were not addressed more specifically from the regional sewer partners. He said he is in favor of a regional plant, and reserving capacity is the right thing to do. He said he is surprised to see the estimates come back higher when the bids came in lower.

Bill Zimmerman, Deputy Director with Placer County Facility Services, said he would be happy to take back any action the board takes tonight. He said information needs to be provided to Lincoln, as they are ready to award construction contracts. He said a majority of the deal points are ultimately going to be between the City of Lincoln and the City of Auburn because the City of Lincoln owns, operates and maintains the facilities.



Council Member Holmes said he does not want to see this opportunity get passed up.

Council Member Nesbitt spoke about Auburn's participation in this project, costs associated with running the local plant while participating in the regional sewer project, increasing estimate of Auburn's share, and a decision with conditions.

Mayor Hanley said the City of Auburn has been willing to engage in this issue over the past 15 years to work something out. He spoke about a how a true regional structure, where costs and benefits are shared and a Joint Powers Authority were never constructed. He said there are many unknowns. He said he feels like they are being asked to give a blank check, in which the taxpayers would be on the line for. He said he can't support moving forward with this project.

By **MOTION**, notify Placer County and the City of Lincoln of Auburn's intent to purchase capacity in the common pipe pending further evaluation of the costs and the deal points presented to those respective agencies in April 2013. There will be an aggressive pursuit led by one of the Council Members (in concert with staff) to understand the origin of the buy-in costs and negotiate with elected officials from Placer County and the City of Lincoln regarding Auburn's deal points. This item would then be brought back to Council for consideration.

The motion was made by Council Member Kirby, seconded by Council Member Holmes. Passed by the following roll call vote:

Ayes: Holmes, Kirby, Powers  
Noes: Nesbitt, Hanley  
Abstain:  
Absent:

## **REPORTS**

### **11. City Council Committee Reports**

Council Member Nesbitt reported on the Placer County Transportation Planning Agency meeting. He said they are trying to develop funding strategies for transportation needs.

Council Member Holmes reported on the Auburn Arts Commission and some projects they are currently working on.

Council Member Kirby reported on the Bud Anderson Statue unveiling event on November 7<sup>th</sup> at the Van Howd Studio.

Council Member Powers reported on a successful Commercial Real Estate Broker breakfast held at the Auburn Airport.

**ADJOURNMENT**

Mayor Hanley adjourned the meeting, without objection, at 10:04 p.m.

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Kevin Hanley, Mayor

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Stephanie L. Snyder, City Clerk